



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JUN -6 2016

Jim Carlucci

Trenton, NJ 08611

RE: MUR 6910

Dear Mr. Carlucci:

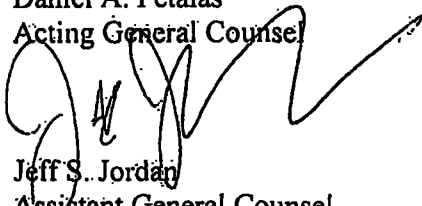
The Federal Election Commission reviewed the allegations in your complaint received on December 31, 2014. On May 24, 2016, based upon the information provided in the complaint, and information provided by the respondents, the Commission decided to exercise its prosecutorial discretion to dismiss the allegations and close its file in this matter. Accordingly, the Commission closed its file in this matter on May 24, 2016.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009). The Factual and Legal Analysis, which more fully explains the Commission's finding, is enclosed.

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 52 U.S.C. § 30109(a)(8).

Sincerely,

Daniel A. Petalas
Acting General Counsel

BY: 
Jeff S. Jordan
Assistant General Counsel
Complaints Examination and
Legal Administration

Enclosure
Factual and Legal Analysis

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: New Jersey for the People

MUR 6910

I. INTRODUCTION

The Complaint alleges that New Jersey for the People ("NJFTP"), an "Independent Expenditure Committee," violated the Federal Election Campaign Act of 1971, as amended ("the Act") and Commission regulations by failing "to file properly timely reports" with the FEC since February 26, 2013. It was scored as a low-rated matter under the Enforcement Priority System, by which the Commission uses formal scoring criteria as a basis to allocate its resources and decide which matters to pursue.

II. FACTUAL AND LEGAL ANALYSIS

A. Factual Background

The Complaint contends that the Committee for Economic Growth and Social Justice ("CEGSJ"), an independent expenditure-only political committee ("IEOPC") registered with the Commission, reported receiving a \$10,000 contribution from NJFTP, allegedly on May 8, 2014. Compl. at 1. The Complaint implies that this contribution was additionally required to be reported by NJFTP.

In its Response, NJFTP maintains that it is a State Political Action Committee registered in the State of New Jersey, and asserts that it files all required reports with the New Jersey Division of Elections.¹ NJFTP further states that it filed 24-hour reports with the FEC during the 2012 election cycle, disclosing electioneering communications.²

¹ Resp. at 1.

² *Id.* NJFTP characterized its expenditures in its Response as electioneering communications but reported them as independent expenditures. Resp. at 1. An independent expenditure is an expenditure by a person that

1 **B. Legal Analysis**

2 The available information indicates that NJFTP filed the required independent
3 expenditure reports with the FEC in 2012 and 2013.³ Moreover, NJFTP filed its required Form 5
4 (Year-End Report) on February 26, 2013. There is no indication that any further expenditures
5 were made since that time that would have required NJFTP to file a Form 5 with the FEC.

6 CEGSJ registered with the Commission as an independent expenditure-only political
7 committee, and, therefore, could accept unlimited contributions from individuals, political
8 committees, corporations, and labor organizations.⁴ Here, CEGSJ was permitted to receive, and
9 was required to report, the contribution from NJFTP. However, because the contribution from
10 NJFTP to CEGSJ was by definition not an independent expenditure, NJFTP was not
11 subsequently obligated to report the contribution on FEC Form 5. Accordingly, the Commission
12 finds no reason to believe that NJFTP violated 52 U.S.C. § 30104(c)(1), (g)(1).
13

expressly advocates the election or defeat of a clearly identified candidate that is not made in consultation, cooperation, or concert with, or at the request or suggestion of, a candidate or his or her authorized committee or agents. 11 C.F.R. § 100.16(a). *See also* 11 C.F.R. § 109.21 (coordination). The available information shows that NJFTP filed 24-Hour Independent Expenditure Reports on October 28, 2012, and November 2, 2012, and filed a 2012 Year-End Report on February 26, 2013. FEC records indicate that on February 20, 2012, the Reports Analysis Division sent an RFAI reminding NJFTP to file a 2012 Year-End Report.

³ When an individual's or committee's aggregate independent expenditures reach or exceed \$1,000 with respect to a given election and are made fewer than 20 days, but more than 24 hours, before that election, the individual or committee must report those independent expenditures to the FEC within 24 hours of the time the communication is publicly distributed or otherwise publicly disseminated. 52 U.S.C. § 30104(c)(1), (g)(1); 11 CFR § 109.10(d). In addition, any person other than a federal political committee must file a report with the FEC on FEC Form 5 at the end of the first quarterly reporting period in which independent expenditures with respect to a given election aggregate more than \$250 in a calendar year and in any quarterly reporting period thereafter in which additional independent expenditures are made. 11 CFR § 109.10(b).

⁴ *See* Advisory Op. 2010-11 (Commonsense Ten) (an IEOPC may accept unlimited contributions from individuals, political committees, corporations, and labor organizations); *SpeechNow.org v. FEC*, 599 F.3d 686, 692-96 (D.C. Cir. 2010) (*en banc*) (individuals may contribute without limit to political committees that make only independent expenditures).